

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Cederick Jerome Wise,)	Case No.: 6:21-cv-3475-JD-KFM
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
Christopher Poindexter,)	
)	
Defendant.)	
)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ (DE 40.) Plaintiff Cederick Jerome Wise (“Plaintiff” or “Wise”), proceeding *pro se* brought this action against defendant Christopher Poindexter (“Defendant” or “Poindexter”) pursuant to 42 U.S.C. § 1983. (DE 1.)

The Report was issued on October 25, 2022, recommending this action be dismissed for failure to prosecute because the Plaintiff has failed to keep the Clerk of Court advised of his change of address and has failed to comply with this Court's orders. (DE 40, p. 3.) Plaintiff has not filed an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report (DE 40) and incorporates it herein.

It is, therefore, **ORDERED** that Plaintiff's case is dismissed with prejudice for failure to prosecute.

IT IS SO ORDERED.

s/Joseph Dawson, III
Joseph Dawson, III
United States District Judge

Florence, South Carolina
January 5, 2023

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.